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Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/489)*]

69/197. Strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity

The General Assembly,

Reaffirming its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 67/1 of 19 September 2012, 67/186, 67/189, 67/190 and 67/192 of 20 December 2012, 68/119 of 16 December 2013 and 68/185, 68/188, 68/189, 68/192 and 68/193 of 18 December 2013,

Reaffirming also its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[1] the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,[2] the Convention on Psychotropic Substances of 1971,[3] the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[4] the United Nations Convention against Corruption[5] and all the international conventions and protocols against terrorism,

Reaffirming further the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem[6] adopted by the General Assembly at its sixty-fourth session,

[1] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[2] Ibid., vol. 976, No. 14152.

[3] Ibid., vol. 1019, No. 14956.

[4] Ibid., vol. 1582, No. 27627.

[5] Ibid., vol. 2349, No. 42146.

[6] See *Official Records of the Economic and Social Council, 2009, Supplement No. 8* (E/2009/28), chap. I, sect. C.

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Recalling the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006[7] and its successive biennial reviews,[8]

Recalling also the importance of the measures to eliminate international terrorism adopted by the General Assembly in its resolution 68/119 and the adoption, on 18 December 2013, of resolution 68/178 on the protection of human rights and fundamental freedoms while countering terrorism,

Reaffirming its resolutions addressing various aspects of violence against women and girls of all ages,

Recalling the resolutions of the Commission on Human Rights and the Human Rights Council addressing various aspects of violence against women and girls of all ages,

Recalling also the agreed conclusions of the fifty-seventh session of the Commission on the Status of Women, which addressed the elimination and prevention of all forms of violence against women and girls,[9] and reiterating the importance of crime prevention and criminal justice measures for the protection of women and girls,

Noting the significance of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice[10] as a way to assist countries in strengthening their national crime prevention and criminal justice capacities to respond to all forms of violence against women and girls,

Reiterating its condemnation of all forms of violence against women and girls, and expressing deep concern about gender-related killing of women and girls,

Recalling all its relevant resolutions, including resolution 68/191 of 18 December 2013, on taking action against gender-related killing of women and girls, and recognizing the key role of the criminal justice system in preventing and responding to gender-related killing of women and girls, including by ending impunity for such crimes,

Emphasizing the relevance of international instruments and United Nations standards and norms in crime prevention and criminal justice related to the treatment of prisoners, in particular women and juveniles,

Recalling its resolution 65/229 of 21 December 2010 on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and in this regard encouraging the efforts of Member States to implement the Bangkok Rules,

Recalling also its resolution 68/190 of 18 December 2013, concerning the updating of the Standard Minimum Rules for the Treatment of Prisoners, and noting the progress made during the third meeting of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Vienna from 25 to 28 March 2014,[11]

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[7] Resolution 60/288.

[8] See resolutions 62/272, 64/297, 66/282 and 68/276.

[9] See *Official Records of the Economic and Social Council, 2013, Supplement No. 7* (E/2013/27), chap. I, sect. A.

[10] Resolution 69/194, annex.

[11] See E/CN.15/2014/19 and Corr.1.

Recalling further its resolution 68/156 of 18 December 2013, in which it reaffirmed that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

Recalling its resolution 67/184 of 20 December 2012 on the follow-up to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Doha from 12 to 19 April 2015, dedicated to "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", and noting the progress made thus far in the preparation of that Congress,

Recalling also its resolution 66/177 of 19 December 2011 on strengthening international cooperation in combating the harmful effects of illicit financial flows resulting from criminal activities, in which it urged States parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to apply fully the provisions of those Conventions, in particular measures to prevent and combat money-laundering, including by criminalizing the laundering of proceeds of transnational organized crime and corruption, as well as measures to enhance national confiscation regimes and international cooperation, including in asset recovery,

Taking into consideration all relevant Economic and Social Council resolutions, in particular all those relating to the strengthening of international cooperation, including resolution 2014/23 of 16 July 2014 on strengthening international cooperation in addressing the smuggling of migrants, as well as the technical assistance and advisory services of the United Nations crime prevention and criminal justice programme of the United Nations Office on Drugs and Crime in the fields of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

Concerned at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences,

Recalling its resolutions 66/180 of 19 December 2011 on strengthening the response to trafficking in cultural property, and 67/80 of 12 December 2012 on the return or restitution of cultural property to the countries of origin, in which it urged Member States and relevant institutions to reinforce and fully implement mechanisms to strengthen international cooperation, including mutual legal assistance, in order to combat all forms and aspects of trafficking in cultural property and related offences, such as the theft, looting, damage, removal, pillage and destruction of such property, and to facilitate the recovery and the return of stolen and looted cultural property, and its resolution 68/186 of 18 December 2013 on strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking,

Underlining the importance of the further progress made in this field, and welcoming the adoption by the General Assembly of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in

Cultural Property and Other Related Offences [12] through Economic and Social Council resolution 2014/20 of 16 July 2014 as recommended by the Commission on Crime Prevention and Criminal Justice at its twenty-third session, and the establishment of a technical background document to assist in the implementation of the Guidelines through the Commission on Crime Prevention and Criminal Justice, which will support the implementation of resolutions 67/80, 68/186 and 69/196 of 18 December 2014 and facilitate operational cooperation against all forms of trafficking in cultural property, as well as the request to the United Nations Office on Drugs and Crime to provide practical assistance in the implementation of the Guidelines and to facilitate cooperation in this area,

Reaffirming the need for promoting increased ratification or accession to and full and effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, [13] recalling in this regard all relevant resolutions, including resolution 64/293 of 30 July 2010 on the United Nations Global Plan of Action to Combat Trafficking in Persons and resolution 68/192 of 18 December 2013 on improving the coordination of efforts against trafficking in persons, and welcoming the work of the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children,

Underlining that, although the crime of smuggling of migrants may share, in some cases, some common features with the crime of trafficking in persons, Member States need to recognize that they are distinct crimes and require separate and complementary legal, operational and policy responses, and recalling further its resolution 68/179 of 18 December 2013, in which it called upon all Member States to protect and assist migrants, and Economic and Social Council resolution 2014/23, recommended by the Commission on Crime Prevention and Criminal Justice at its twenty-third session,

Recalling Commission on Crime Prevention and Criminal Justice resolutions 22/7 on strengthening international cooperation to combat cybercrime and 22/8 on promoting technical assistance and capacity-building to strengthen national measures and international cooperation against cybercrime, both of 26 April 2013, [14]

Concerned at the growing trend of cybercrime and the misuse of information and telecommunications technologies in multiple forms of crime,

Noting the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking for the purpose of developing an effective and comprehensive approach to transnational organized crime and drug trafficking within the United Nations system, and reaffirming the crucial role of Member States in this regard, as reflected in the Charter of the United Nations,

Expressing its grave concern about the negative effects of transnational organized crime, including smuggling of and trafficking in persons, narcotic drugs and small arms and light weapons, as well as illicit manufacturing of and trafficking

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[12] Resolution 69/196, annex.

[13] United Nations, *Treaty Series*, vol. 2237, No. 39574.

[14] See *Official Records of the Economic and Social Council, 2013, Supplement No. 10* and corrigendum (E/2013/30 and Corr.1), chap. I, sect. D.

in firearms, their parts and components and ammunition, on development, peace, stability and security and human rights, and at the increasing vulnerability of States to such crime,

Convinced that the rule of law and development are strongly interrelated and mutually reinforcing, and that the advancement of the rule of law at the national and international levels, including through crime prevention and criminal justice mechanisms, is essential for sustained and inclusive economic growth and sustainable development and the full realization of all human rights and fundamental freedoms, including the right to development, all of which in turn reinforce the rule of law,

Stressing the importance of strengthened international cooperation, based on the principles of shared responsibility and in accordance with international law, to dismantle illicit networks and counter the world drug problem and transnational organized crime, including money-laundering, trafficking in persons, trafficking in arms and other forms of organized crime, all of which threaten national security and undermine sustainable development and the rule of law,

Concerned by the serious challenges and threats posed by trafficking in firearms, their parts and components and ammunition, and concerned also about its links with terrorism and other forms of transnational organized crime, including drug trafficking,

Noting international efforts to prevent, combat and eradicate the illicit trade in conventional arms, in particular in small arms and light weapons, as demonstrated by the adoption in 2001 of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects,[15] and the entry into force in 2005 of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[16] and the forthcoming entry into force of the Arms Trade Treaty[17] on 24 December 2014,

Noting with appreciation the activities carried out, upon request, by the United Nations Office on Drugs and Crime, through its Global Firearms Programme, in the areas of legislative and technical assistance, capacity-building, awareness-raising and research and analysis,

Expressing concern at the use of information and telecommunications technologies to abuse and exploit children,

Convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners, and stressing that such responses should take into account the human rights and best interests of children and young people, as called for in the Convention on the Rights of the Child and the Optional Protocols thereto,[18] where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate,

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[15] *Report of the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, New York, 9–20 July 2001* (A/CONF.192/15), chap. IV, para. 24.

[16] United Nations, *Treaty Series*, vol. 2326, No. 39574.

[17] See resolution 67/234 B.

[18] United Nations, *Treaty Series*, vols. 1577, 2171 and 2173, No. 27531; and resolution 66/138, annex.

Concerned about the growing degree of penetration of criminal organizations and their financial and economic resources into the economy,

Expressing concern at the involvement of organized criminal groups, as well as the substantial increase in the volume, rate of transnational occurrence and range of criminal offences related to trafficking in precious metals and stones in some parts of the world and the potential use of trafficking in precious metals and stones as a source of funding for organized crime, other relevant criminal activities and terrorism,

Deeply concerned about the connections, in some cases, between some forms of transnational organized crime and terrorism, and emphasizing the need to enhance cooperation at the national, subregional, regional and international levels in order to strengthen responses to this evolving challenge,

Recognizing that countering transnational organized crime and terrorism is a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

Emphasizing that transnational organized crime must be addressed with full respect for the principle of the sovereignty of States and in accordance with the rule of law as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socioeconomic conditions,

Expressing deep concern about environmental crimes, including trafficking in endangered and, where applicable, protected species of wild fauna and flora,[19] and emphasizing the need to combat such crimes by strengthening international cooperation, capacity-building, criminal justice responses and law enforcement efforts,

Emphasizing that coordinated action is critical to eliminate, prevent and combat corruption and disrupt the illicit networks that drive and enable trafficking in wildlife and forest products, including timber and timber products,

Encouraging Member States to develop and implement, as appropriate, comprehensive crime prevention policies, national and local strategies and action plans based on an understanding of the multiple factors that contribute to crime and to address such factors in a holistic manner, in close cooperation with all stakeholders, including civil society,

Stressing that social development should be an integral element of strategies to foster crime prevention and economic development in all States,

Recognizing the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime between all relevant priorities identified by the General Assembly and the Economic and Social Council and their subsidiary bodies,

Recognizing also that, thanks to their broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption offer an important basis for international cooperation, inter alia, for extradition, mutual legal assistance and confiscation and asset recovery, and provide an effective mechanism that should be further utilized and implemented,

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[19] See Economic and Social Council resolution 2013/40 on crime prevention and criminal justice responses to illicit trafficking in protected species of wild fauna and flora.

Mindful of the need to ensure universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and urging States parties to make full and effective use of these instruments,

Noting the important contribution that public-private sector cooperation can make in efforts to prevent and combat criminal activities, such as transnational organized crime, corruption and terrorism, in the tourism sector,

Recognizing the universal importance of good governance and the fight against corruption, and calling for zero tolerance for corruption in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime,

Recalling the United Nations Convention against Corruption, which is the most comprehensive and universal instrument on corruption, and recognizing the need to continue to promote ratification of or accession to the Convention and its full implementation,

Welcoming the adoption by the United Nations Office on Drugs and Crime of a regional approach to programming, based on continuing consultations and partnerships at the national and regional levels, particularly on its implementation, and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States,

Recognizing the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting Member States in the areas of crime prevention and criminal justice reform, corruption, organized crime, money-laundering, terrorism, kidnapping, smuggling of migrants and trafficking in persons, including the support and protection, as appropriate, of victims, their families and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance and the international transfer of sentenced persons,

Reiterating its concern regarding the overall financial situation of the United Nations Office on Drugs and Crime,

1. *Takes note* of the report of the Secretary-General prepared pursuant to resolutions 64/293, 68/187, 68/188, 68/192, 68/193 and 68/195;[20]

2. *Reaffirms* that the United Nations Convention against Transnational Organized Crime and the Protocols thereto[1] represent the most important tools of the international community for fighting transnational organized crime;

3. *Notes with appreciation* that the number of States parties to the United Nations Convention against Transnational Organized Crime[21] has reached 183, which is a significant indication of the commitment shown by the international community to combating transnational organized crime;

4. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,[2] the Convention on Psychotropic Substances of

[20] A/69/94.

[21] United Nations, *Treaty Series*, vol. 2225, No. 39574.

1971,[3] the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[4] the United Nations Convention against Corruption[5] and the international conventions and protocols related to terrorism, and urges States parties to those conventions and protocols to make efforts towards their full implementation;

5. *Recalls* article 32 of the United Nations Convention against Transnational Organized Crime and General Assembly resolution 68/193, in which, inter alia, the need for the establishment of a mechanism to review the implementation of the Convention and the Protocols thereto by States parties was reiterated, and underlines that the review of the implementation of the Convention is an ongoing and gradual process and that it is necessary to explore all options regarding the establishment of a mechanism to assist the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in the review of the implementation of the Convention and the Protocols thereto, and invites Member States to continue the dialogue in this regard;

6. *Notes* the progress made during the third meeting of the open-ended intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, held in Vienna from 25 to 28 March 2014,[11] and requests Member States to support the process of revision of the Standard Minimum Rules for the Treatment of Prisoners[22] in line with General Assembly resolution 65/230 of 21 December 2010, and to strengthen all efforts to address the issue of prison overcrowding;

7. *Notes with appreciation* the work of the open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international, legal or other responses to cybercrime, and encourages the expert group to enhance its efforts to complete its work and to present the outcome of the study to the Commission on Crime Prevention and Criminal Justice in due course;

8. *Reaffirms* the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

9. *Urges* Member States to be represented at the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice at the highest possible level, and encourages States to continue their preparations for the Congress with a view to making focused and productive contributions to the discussions and to promoting the participation of United Nations organs and related agencies, other intergovernmental organizations, non-governmental organizations, as well as individual experts and consultants, in accordance with relevant resolutions and rules of procedure;

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[22] *Human Rights: A Compilation of International Instruments*, Volume I (First Part), *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (Vol. I, Part 1)), sect. J, No. 34.

10. *Underscores* that respect for and promotion of crime prevention and criminal justice as well as of the rule of law should be given due consideration in relation to the post-2015 development agenda;

11. *Recommends* that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, including ones that focus on early prevention by using multidisciplinary and participatory approaches, in close cooperation with all stakeholders, including civil society, and requests the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, to Member States for this purpose;

12. *Encourages* all States to have national and local action plans for crime prevention in order to take into account, in a comprehensive, integrated and participatory manner, inter alia, factors that place certain populations and places at higher risk of victimization and/or of offending and to ensure that such plans are based on the best available evidence and good practices, stresses that crime prevention should be considered an integral element of strategies to foster social and economic development in all States, and in this regard welcomes Economic and Social Council resolution 2014/21 of 16 July 2014 on strengthening social policies as a tool for crime prevention;

13. *Calls upon* Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter transnational organized crime effectively;

14. *Requests* the United Nations Office on Drugs and Crime to enhance its efforts, within existing resources and within its mandate, in providing technical assistance and advisory services for the implementation of its regional and subregional programmes in a coordinated manner with relevant Member States and regional and subregional organizations;

15. *Also requests* the United Nations Office on Drugs and Crime to continue to provide, within its mandate, technical assistance to Member States, upon their request, in the areas of crime prevention and criminal justice, with a view to strengthening the capacity of national criminal justice systems to investigate, prosecute and punish all forms of crime, while protecting the human rights and fundamental freedoms of defendants, as well as the legitimate interests of victims and witnesses, and to ensure access to effective legal aid in criminal justice systems;

16. *Encourages* Member States to strengthen their efforts in combating cybercrime and all forms of criminal abuse of information and telecommunications technologies and to enhance international cooperation in this regard;

17. *Emphasizes* the importance of protecting persons in vulnerable groups or situations, and in that regard expresses its concern about the increase in the activities of transnational and national organized criminal groups and others who profit from crimes against migrants, especially women and children, without regard for dangerous and inhumane conditions and in flagrant violation of national laws and international law;

18. *Calls upon* Member States to reinforce international cooperation for preventing and combating the smuggling of migrants and for the prosecution of smugglers, in accordance, as appropriate, with article 6 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations

Convention against Transnational Organized Crime,[23] and with national laws and legislation, while effectively protecting the rights and respecting the dignity of smuggled migrants and internationally recognized principles of non-discrimination and other applicable obligations under relevant international law, taking into account the special needs of women, children, especially when unaccompanied, and persons with disabilities and older persons, and in this regard calls upon the United Nations Office on Drugs and Crime to continue its technical assistance to Member States in accordance with the above-mentioned Protocol;

19. *Encourages* Member States to ensure that, in investigating and prosecuting the smuggling of migrants, the concurrent undertaking of financial investigations is considered, with a view to tracing, freezing and confiscating proceeds acquired through that crime, and to consider the smuggling of migrants to be a predicate offence of money-laundering;

20. *Emphasizes* the importance of preventing and combating all forms of trafficking in persons, and in this regard expresses its concern about the activities of transnational and national organized criminal groups and others who profit from such crimes, including for the purpose of organ removal, and calls upon Member States to strengthen national efforts to combat all forms of trafficking in persons and to protect and assist the victims of trafficking in accordance with all relevant legal obligations and in collaboration with international organizations, civil society and the private sector;

21. *Invites* Member States to strengthen the crime prevention and criminal justice response to the gender-related killing of women and girls, in particular measures to support the capacity of Member States to prevent, investigate, prosecute and punish all forms of such crime;

22. *Urges* the United Nations Office on Drugs and Crime to continue to provide within its mandate technical assistance to Member States, upon their request, to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, Proceeds of Crime and the Financing of Terrorism, in accordance with United Nations-related instruments and international standards, including, where applicable, standards and relevant initiatives of regional, interregional and multilateral organizations and intergovernmental bodies against money-laundering, inter alia and as appropriate, the Financial Action Task Force, in accordance with national legislation;

23. *Urges* Member States to strengthen bilateral, regional and international cooperation to enable the return of assets illicitly acquired from corruption to the countries of origin, upon their request, in accordance with the provisions of the United Nations Convention against Corruption for asset recovery, in particular chapter V, requests the United Nations Office on Drugs and Crime, within its existing mandate, to continue to provide assistance to bilateral, regional and international efforts for that purpose, and also urges Member States to combat and penalize corruption, as well as the laundering of its proceeds;

24. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and calls upon States parties to give full effect to the resolutions adopted by those bodies;

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[23] United Nations, *Treaty Series*, vol. 2241, No. 39574.

25. *Requests* the United Nations Office on Drugs and Crime to continue to foster international and regional cooperation, including by facilitating the development of regional networks active in the field of legal and law enforcement cooperation in the fight against transnational organized crime, where appropriate, and by promoting cooperation among all such networks, including by providing technical assistance where it is required, recognizing the efforts made by the Office to establish and assist such networks;

26. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices, foster cooperation and take advantage of their unique and comparative advantage;

27. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing their abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

28. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime, namely, piracy, cybercrime, the use of new information technologies to abuse and exploit children, trafficking in cultural property, illicit financial flows, environmental crime, including illicit trafficking in endangered species of wild fauna and flora, as well as identity-related crime, and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolution 2012/12 of 26 July 2012 on the strategy for the period 2012–2015 for the Office;

29. *Invites* Member States and requests the United Nations Office on Drugs and Crime, within its existing mandate, to continue to strengthen the regular collection, analysis and dissemination of accurate, reliable and comparable data and information, including, as appropriate, data disaggregated by sex, age and other relevant criteria, and strongly encourages Member States to share such data and information with the Office;

30. *Requests* the United Nations Office on Drugs and Crime to continue to develop, in close cooperation with Member States, technical and methodological tools and trend analyses and studies to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

31. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations crime prevention and criminal justice programme, to address effectively transnational organized crime, including drug trafficking, trafficking in persons, smuggling of migrants and illicit manufacturing of and trafficking in firearms, as well as corruption and terrorism;

32. *Requests* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition and to support

them in their efforts to address the links with other forms of transnational organized crime, through, inter alia, legislative assistance, technical support and enhanced data collection and analysis;

33. *Encourages* Member States to enhance the effectiveness of countering criminal threats to the tourism sector, including terrorist threats through, when appropriate, the United Nations Office on Drugs and Crime and other relevant international organizations, in cooperation with the World Tourism Organization and the private sector;

34. *Urges* States parties to make effective use of the United Nations Convention against Transnational Organized Crime for broad cooperation in preventing and combating all forms and aspects of trafficking in cultural property and related offences, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention, and invites States parties to exchange information on all forms and aspects of trafficking in cultural property and related offences, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences, also reaffirming in this regard the importance of the International Guidelines for Crime Prevention and Criminal Justice Responses with Respect to Trafficking in Cultural Property and Other Related Offences as adopted by the General Assembly in its resolution 69/196, by the Economic and Social Council in its resolution 2014/20 and by the Commission on Crime Prevention and Criminal Justice, and other related documents adopted on this item by the Commission at its twenty-third session;[24]

35. *Urges* Member States to introduce effective national and international measures to prevent and combat illicit trafficking in cultural property, including publicizing legislation, international guidelines and related technical background documents, and offering special training for police, customs and border services, and to consider such trafficking a serious crime, as defined in the United Nations Convention against Transnational Organized Crime;

36. *Encourages* Member States to make trafficking in protected species of wild fauna and flora involving organized criminal groups a serious crime, as defined in article 2, paragraph (*b*), of the United Nations Convention against Transnational Organized Crime, in order to ensure that adequate and effective means of international cooperation can be afforded in the investigation and prosecution of those engaged in trafficking in protected species of wild fauna and flora;

37. *Strongly encourages* Member States to take appropriate measures, consistent with their domestic legislation and legal frameworks, to strengthen law enforcement and related efforts to combat individuals and groups, including organized criminal groups, operating within their borders, with a view to preventing, combating and eradicating international trafficking in wildlife, forest products, including timber, and other forest biological resources harvested in contravention of national laws and relevant international instruments;

38. *Calls upon* Member States to take appropriate and effective measures to prevent and combat trafficking in precious metals and stones by organized criminal groups, including, where appropriate, the adoption and effective implementation of the necessary legislation for the prevention, investigation and prosecution of illicit trafficking in precious metals and stones;

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[24] See *Official Records of the Economic and Social Council, 2014, Supplement No. 10* (E/2014/30).

39. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

40. *Encourages* Member States to continue to support the United Nations Office on Drugs and Crime in providing targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy and other forms of crime committed at sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

41. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption and their subsidiary bodies, including providing information to the conferences of the parties to the conventions regarding compliance with the treaties;

42. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 and the United Nations Convention against Corruption, and to discharge its functions as the secretariat of the conferences of the parties to the conventions, the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs, as well as the United Nations congresses on crime prevention and criminal justice, in accordance with its mandate;

43. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (the Counter-Terrorism Committee) and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

44. *Requests*, furthermore, the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States, upon request, to strengthen the rule of law, taking also into account the work undertaken by the Rule of Law Coordination and Resource Group of the Secretariat and other relevant United Nations bodies;

45. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

46. *Urges* States parties to the United Nations Convention against Corruption to continue to provide full support to the review mechanism adopted by the Conference of the States Parties to the Convention;

47. *Requests* the United Nations Office on Drugs and Crime, in collaboration and close consultation with Member States and within existing resources, to continue to support the enhancement of capacity and skills in the field of forensic sciences, including the setting of standards, and the development of technical assistance material for training, such as manuals, compilations of useful practices and guidelines and scientific and forensic reference material, for law enforcement officials and prosecution authorities, and to promote and facilitate the establishment and sustainability of regional networks of forensic science providers in order to enhance their expertise and capacity to prevent and combat transnational organized crime;

48. *Reiterates* the importance of providing the United Nations crime prevention and criminal justice programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and countries emerging from conflict, in the area of crime prevention and criminal justice reform;

49. *Urges* all Member States to provide the fullest possible financial and political support to the United Nations Office on Drugs and Crime by widening its donor base and increasing voluntary contributions, in particular general-purpose contributions, so as to enable it to continue, expand, improve and strengthen, within its mandates, its operational and technical cooperation activities;

50. *Expresses concern* regarding the overall financial situation of the United Nations Office on Drugs and Crime, emphasizes the need to provide the Office with adequate, predictable and stable resources and to ensure their cost-effective utilization, and requests the Secretary-General to continue to report, within existing reporting obligations, on the financial situation of the Office and to continue to ensure that the Office has sufficient resources to carry out its mandates fully and effectively;

51. *Invites* States and other interested parties to make further voluntary contributions to the United Nations Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children, and the United Nations Trust Fund on Contemporary Forms of Slavery;

52. *Requests* the Secretary-General to submit a report to the General Assembly at its seventieth session on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, reflecting also emerging policy issues and possible responses;

53. *Also requests* the Secretary-General to include in the report referred to in paragraph 52 above information on the status of ratifications of or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

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Bearing in mind the revised African Union Plan of Action on Drug Control and Crime Prevention (2013–2017), aimed at encouraging Member States to participate in and own the regional initiatives for effective crime prevention and good governance and strengthened justice administration,

Recognizing the importance of promoting sustainable development as a complement to crime prevention strategies,

Emphasizing the need to create necessary coalitions with all partners in the process of achieving effective crime prevention policies,

Welcoming the undertaking and conclusion of a preliminary diagnostic study by a consultant of the Economic Commission for Africa prior to the commencement of a full system-wide review process, including the significance of the Institute as a viable mechanism for promoting cooperation among the relevant entities to respond to the crime problem afflicting Africa,

Expressing concern over the continued absence of a director of the Institute, and noting the important role of such senior management positions in ensuring the normal functioning of the Institute,

Noting with concern that the financial situation of the Institute has greatly affected its capacity to deliver services to African Member States in an effective and comprehensive manner, and noting that one of the findings of the preliminary diagnostic study is that the Institute urgently needs to increase its income,

Acknowledging the Member States and organizations that have maintained their commitment to the fulfilment of their financial obligations,

1. *Commends* the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote, coordinate and carry out more activities within its core mandate, including regional technical cooperation related to crime prevention and criminal justice systems in Africa, despite the resource constraints under which it is operating;

2. *Also commends* the initiative of the United Nations Office on Drugs and Crime in strengthening its working relationship with the Institute by supporting and involving the Institute in the implementation of a number of activities, including those contained in the revised African Union Plan of Action on Drug Control and Crime Prevention (2013–2017), on strengthening the rule of law and criminal justice systems in Africa;

3. *Reiterates* the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

4. *Also reiterates* the benefits, in some cases, of the utilization of alternative remedial measures, where appropriate, applying standards of ethical conduct and using local traditions, counselling and other emerging correctional rehabilitation measures, consistent with the obligations of States under international law;

5. *Notes* the efforts of the Institute to establish contacts with organizations in those countries which are promoting crime prevention programmes and its maintenance of close links with regional and subregional political entities, such as the African Union Commission, the East African Community, the Commission of the Economic Community of West African States, the Intergovernmental Authority on Development and the Southern African Development Community;

6. *Encourages* the Institute, in cooperation with relevant United Nations agencies, to take into account the various planning authorities in the region that focus attention on the coordination of activities that promote development based on sustainable agricultural production and preservation of the environment in developing its crime prevention strategies;

7. *Urges* the States members of the Institute to continue to make every possible effort to meet their obligations to the Institute;

8. *Welcomes* the undertaking and conclusion of a preliminary diagnostic study in accordance with the decision of the Governing Board of the Institute, at its eleventh ordinary session, held in Nairobi on 27 and 28 April 2011, to carry out a review of the Institute to ensure that it can fulfil its mandate and assume a more prominent role in dealing with existing crime;

9. *Encourages* the Institute, partner agencies and other stakeholders to expedite the review process;

10. *Welcomes* the introduction by the Institute of a cost-sharing initiative in its execution of various programmes with Member States, partners and United Nations entities;

11. *Urges* all Member States and non-governmental organizations and the international community to continue to adopt concrete practical measures to support the Institute in the development of the requisite capacity and in the implementation of its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

12. *Urges* all States that have not already done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] as well as the United Nations Convention against Corruption;[3]

13. *Encourages* African States that are not yet members of the Institute to consider becoming member States in order to strengthen the fight against crime and terrorism, which hamper individual and collective development efforts on the continent;

14. *Commends* the continued support provided by the Government of Uganda as host country, including resolving the issue of the ownership of the land on which the Institute is located and facilitating the Institute's collaboration with other stakeholders within Uganda and the region and with international partners;

15. *Also commends* the efforts of the Institute in implementing several programmes in the region, which have contributed, inter alia, to a growing set of coordinated remedial responses to crime on the basis of technical support in facilitating mutual assistance by law enforcement agencies and the emergence of regional jurisdictions;

16. *Requests* the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate, bearing in mind that the precarious financial situation of the Institute greatly undermines its capacity to deliver services effectively;

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[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[3] Ibid., vol. 2349, No. 42146.

17. *Also requests* the Secretary-General to continue his efforts to mobilize the financial resources necessary to maintain the Institute with the core Professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

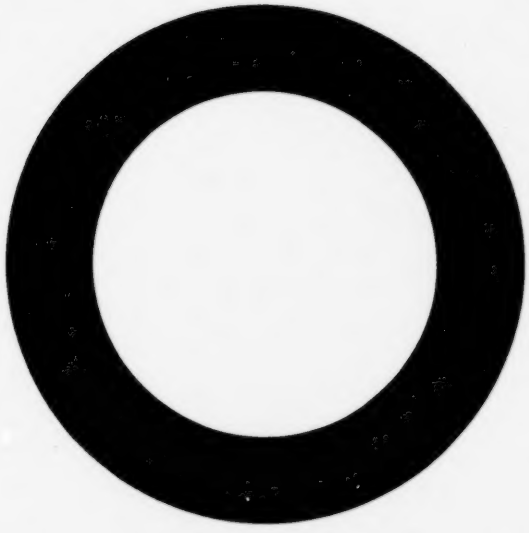
18. *Encourages* the Institute to consider focusing on specific and general vulnerabilities of each programme country and to maximize the use of available initiatives to address crime problems with existing funds, as well as available capacity, by creating useful coalitions with regional and local institutions;

19. *Requests* the United Nations Office on Drugs and Crime to continue to work closely with the Institute, and requests the Institute to provide the annual report on its activities to the Office as well as to the Economic Commission for Africa Conference of African Ministers of Finance, Planning and Economic Development;

20. *Requests* the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone;

21. *Also requests* the Secretary-General to continue making concrete proposals, including for the provision of additional core Professional staff, to strengthen the programmes and activities of the Institute, and to report to the General Assembly at its seventieth session on the implementation of the present resolution.

73rd plenary meeting
18 December 2014



General Assembly

Distr.: General
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Sixty-ninth session
Agenda item 105

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/489)*]

69/199. Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 55/61 of 4 December 2000, 55/188 of 20 December 2000, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005, 61/209 of 20 December 2006, 62/202 of 19 December 2007, 63/226 of 19 December 2008, 64/237 of 24 December 2009, 65/169 of 20 December 2010, 67/189 and 67/192 of 20 December 2012 and 68/195 of 18 December 2013 and all relevant Human Rights Council resolutions, including resolution 23/9 of 13 June 2013,[1]

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[2] which is the most comprehensive and universal instrument on corruption, and recognizing the need to continue to promote its ratification or accession thereto and its full implementation,

Stressing the need for States parties to the Convention to give full effect to the resolutions of the Conference of the States Parties to the United Nations Convention against Corruption,

Bearing in mind the need to promote and strengthen measures to prevent and combat corruption more efficiently and effectively, that the return of assets is one of the main objectives, an integral part and a fundamental principle of the Convention, and recalling article 51 of the Convention, which obligates States parties to afford one another the widest measure of cooperation and assistance with regard to asset return,

[1] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.

[2] United Nations, *Treaty Series*, vol. 2349, No. 42146.

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Recognizing that fighting corruption at all levels and in all its forms is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication and sustainable development,

Recognizing also that education plays a fundamental role in the fight against corruption, inasmuch as it makes corrupt behaviour socially unacceptable,

Reaffirming the importance of respect for human rights, the rule of law, the proper management of public affairs and democracy in the fight against corruption,

Realizing that the fight against corruption at all levels, including by facilitating international cooperation to achieve the purposes enshrined in the Convention, including on asset recovery and return, plays an important role in the promotion and protection of all human rights and in the process of creating an environment conducive to their full enjoyment and realization,

Recognizing that supportive national legal systems are essential in preventing and combating corrupt practices, facilitating asset recovery and returning the proceeds of corruption to legitimate owners,

Recalling that the purposes of the Convention, as set out in article 1, are to promote and strengthen measures to prevent and combat corruption more efficiently and effectively, to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery, and to promote the integrity, accountability and proper management of public affairs and public property,

Welcoming the commitment of States parties to the Convention, and determined to give effect to the obligations set out in chapter V of the Convention in order to prevent, detect, deter and recover in a more effective manner the international transfer of proceeds of crime and to strengthen international cooperation in asset recovery,

Recognizing that those who engage in corrupt acts, whether natural or legal persons, consistent with domestic law and the requirements of the Convention, should be held accountable and prosecuted by their domestic authorities, and that all appropriate efforts should be made to conduct a financial investigation into assets illegally acquired by them and to recover such assets through domestic confiscation proceedings, international cooperation for purposes of confiscation or appropriate direct recovery measures,

Acknowledging that the fight against all forms of corruption requires comprehensive anti-corruption frameworks and strong institutions at all levels, including at the local and international levels, able to undertake efficient preventive and law enforcement measures in accordance with the Convention, in particular chapters II and III,

Recognizing that the success of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption depends on the full commitment and constructive engagement of all States parties to the Convention in a progressive and comprehensive process, and recalling in that regard resolution 3/1 of 13 November 2009 of the Conference of the States Parties to the Convention,[3] including the terms of reference of the Mechanism contained in the annex to that resolution, as well as decision 5/1 of 29 November 2013 of the Conference of the States Parties,[4]

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[3] See CAC/COSP/2009/15, sect. I.A.

[4] See CAC/COSP/2013/18, sect. I.B.

Noting with appreciation the significant number of States parties to the Convention that have been involved in the ongoing first review cycle process of the Mechanism, both as countries under review and as reviewing States, as well as the support provided by the United Nations Office on Drugs and Crime in this regard,

Bearing in mind that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts in this area are to be effective,

Reaffirming its concern about the laundering and transfer of stolen assets and proceeds of corruption, and stressing the need to address this concern in accordance with the Convention,

Noting the efforts made by all States parties to the Convention in tracing, freezing and recovering their stolen assets, and underlining the need to redouble efforts to assist in the recovery of those assets in order to preserve stability and sustainable development,

Noting also the work of other initiatives in asset recovery, such as the Arab Forum on Asset Recovery, and welcoming efforts to enhance cooperation between requesting and requested States,

Recognizing that States continue to face challenges in recovering assets owing to differences between legal systems, the complexity of multijurisdictional investigations and prosecutions, the limited implementation of effective domestic tools such as non-conviction-based forfeiture for asset recovery, as well as other administrative or civil procedures leading to confiscation, lack of familiarity with the mutual legal assistance procedures of other States and difficulties in identifying the flow of corruption proceeds, and noting the particular challenges posed in recovering the proceeds of corruption in cases involving individuals who are or have been entrusted with prominent public functions, as well as their family members and close associates,

Concerned about the difficulties, particularly the legal and practical difficulties, that both requested and requesting States face in asset recovery, taking into account the particular importance of the recovery of stolen assets for sustainable development and stability, and noting the difficulty of providing information establishing a link between proceeds of corruption in the requested State and the crime committed in the requesting State, which in many cases can be difficult to prove,

Recognizing the common difficulties experienced by States parties to the Convention in establishing a nexus between identified assets and the crime from which such assets are derived, and emphasizing the critical importance of effective domestic investigative efforts and international cooperation to overcome such difficulties,

Recognizing also the critical importance of effective international cooperation in efforts to combat corruption, particularly with respect to offences specified in the Convention with a transnational element, and encouraging continued cooperation by States parties, consistent with the requirements of the Convention, in all efforts to investigate and prosecute natural and legal persons, including the use of other legal mechanisms, where appropriate, for offences specified in the Convention and to recover assets related to such offences, consistent with chapter V of the Convention,

Calling upon all States parties to the Convention and, in particular, requested and requesting States, to cooperate to recover the proceeds of corruption and demonstrate strong commitment to ensure the return or disposal of such proceeds in accordance with article 57 of the Convention,

Noting the responsibility of requesting and requested States parties to cooperate to ensure that a greater proportion of the proceeds emanating from corruption are recovered, returned or otherwise disposed of in accordance with the provisions of the Convention,

Concerned that some persons accused of crimes of corruption have managed to escape justice and thus have eluded the legal consequences of their actions, and have been successful in hiding their assets,

Taking into account the need to hold corrupt officials accountable by depriving them of their stolen assets,

Acknowledging the vital importance of ensuring the independence and effectiveness of authorities charged with investigating and prosecuting crimes of corruption and of recovering the proceeds of such crimes by several means, such as establishing the necessary legal framework and allocating the necessary resources,

Acknowledging also the fundamental principles of due process of law in criminal proceedings and in civil or administrative proceedings to adjudicate property rights,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

Concerned about the negative impact of widespread corruption on the enjoyment of human rights, recognizing that corruption constitutes one of the obstacles to the effective promotion and protection of human rights, as well as to the achievement of the Millennium Development Goals and other internationally agreed development goals, and recognizing also that corruption may disproportionately affect the most disadvantaged individuals of society,

Noting with appreciation the ongoing efforts by regional organizations and forums to strengthen cooperation in combating corruption, which aim, inter alia, to ensure openness and transparency, combat domestic and foreign bribery, tackle corruption in high-risk sectors, strengthen international cooperation and promote public integrity and transparency in the fight against corruption, which fuels illicit trade and insecurity and is a tremendous barrier to economic growth and the safety of citizens,

Noting the efforts of regional organizations and forums to combat corruption, including the Asia-Pacific Economic Cooperation Course of Action on Fighting Corruption and Ensuring Transparency and the Santiago Commitment to Fight Corruption and Ensure Transparency, and the Group of 20 Anti-Corruption Action Plan, the Saint Petersburg Development Strategy, the non-binding Guiding Principles on Enforcement of the Foreign Bribery Offence, the Guiding Principles to Combat Solicitation, the Asset Recovery Principles, the asset recovery country profiles and the Asset Recovery Guides,

Noting also the Lausanne process initiative on practical guidelines for efficient asset recovery, which is being undertaken with a view to identifying good practices in effective and coordinated approaches to asset recovery for practitioners from

requesting and requested States, with the support of interested States, implemented in close collaboration with the International Centre for Asset Recovery and with the support of the Stolen Asset Recovery Initiative of the World Bank and the United Nations Office on Drugs and Crime,

1. *Takes note* of the report of the Secretary-General;[5]

2. *Condemns* corruption at all levels and in all its forms, including bribery, as well as the laundering of proceeds of corruption and other forms of economic crime;

3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of stolen assets and proceeds of corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, in accordance with the United Nations Convention against Corruption;[2]

4. *Welcomes* the fact that 173 States parties have already ratified or acceded to the Convention, thus making it an instrument enjoying a status very close to universal adherence, and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and urges all States parties to take appropriate measures to ensure its full and effective implementation;

5. *Notes with appreciation* the panel discussion on the negative impact of corruption on the enjoyment of human rights held at the twenty-second session of the Human Rights Council;

6. *Also notes with appreciation* the work carried out under the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and by the Implementation Review Group, and urges Member States to continue to support this work and make every possible effort to provide comprehensive information and adhere to the timelines for review as contained in the guidelines for governmental experts and the secretariat in the conduct of country reviews;[6]

7. *Welcomes* the progress made in the first review cycle of the Mechanism and the efforts made by the United Nations Office on Drugs and Crime in support of the Mechanism, and encourages the use of the lessons learned during the first review cycle in order to improve the efficiency and effectiveness of the Mechanism, as well as the implementation of the Convention;

8. *Encourages* Member States to engage actively in the preparation of the review of chapter II, on prevention measures, and chapter V, on asset recovery, of the Convention in the second review cycle of the Mechanism;

9. *Notes with appreciation* the work of the Open-ended Intergovernmental Working Groups on Asset Recovery, on the Prevention of Corruption and on Review of the Implementation of the United Nations Convention against Corruption and the open-ended intergovernmental expert meeting to enhance international cooperation under the United Nations Convention against Corruption, and encourages States parties to the Convention to support the work of all of these subsidiary bodies of the Conference of the States Parties to the United Nations Convention against Corruption;

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[5] A/69/94.

[6] CAC/COSP/IRG/2010/7, annex I.

10. *Encourages* all States parties to the Convention to renew their commitment to effective national action and international cooperation to give full effect to chapter V of the Convention and to contribute effectively to the recovery of the proceeds of corruption;

11. *Urges* Member States to combat and penalize corruption in all its forms, as well as the laundering of proceeds of corruption, to prevent the acquisition, transfer and laundering of proceeds of corruption and to work for the prompt recovery of such assets in accordance with the principles of the Convention, including chapter V;

12. *Welcomes* the decision of the Conference of the States Parties to the Convention to call upon States parties to give particular and timely consideration to the execution of international mutual legal assistance requests that need urgent action, including those related to the States concerned in the Middle East and North Africa, as well as other requesting States, and to ensure that the competent authorities of requested States have adequate resources to execute requests, taking into account the particular importance of the recovery of these assets for sustainable development and stability;[7]

13. *Urges* States parties that have yet to designate a central authority for international cooperation in accordance with the Convention to do so, and to appoint focal points for the purposes of international cooperation and mutual legal assistance in asset recovery, and, where appropriate, encourages States parties to make full use of the network of focal points of the Open-ended Intergovernmental Working Group on Asset Recovery to facilitate cooperation and the implementation of the Convention, as well as the Global Focal Point Network on Asset Recovery, supported by the United Nations Office on Drugs and Crime through the Stolen Asset Recovery Initiative and by the International Criminal Police Organization (INTERPOL);

14. *Encourages* States parties to the Convention to use and promote informal channels of communication, in particular prior to making formal requests for mutual legal assistance, by, inter alia, designating officials or institutions, as appropriate, with technical expertise in international cooperation in asset recovery to assist their counterparts in effectively meeting requirements for formal mutual legal assistance;

15. *Urges* States parties to the Convention to remove barriers to asset recovery, including by simplifying their legal procedures and preventing abuse of those procedures;

16. *Encourages* States parties to the Convention to give full effect to the resolutions, including those on asset recovery, of the Conference of the States Parties to the Convention;

17. *Urges* States parties to the Convention to afford one another the widest possible cooperation and assistance in the identification and recovery of stolen assets and proceeds of corruption and to give particular and timely consideration to the execution of requests for international mutual legal assistance, in accordance with the Convention, and to afford one another the widest possible cooperation and assistance in the extradition of individuals accused of the predicate offences, in accordance with their obligations under the Convention, including article 44;

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[7] CAC/COSP/2013/18, sect. I.A, resolution 5/3, para. 6.

18. *Also urges* States parties to the Convention to ensure that procedures for international cooperation allow for the seizure and/or restraint of assets for a time period sufficient to preserve those assets in full, pending confiscation proceedings in another State, to ensure that there are adequate mechanisms in place to manage and preserve the value and condition of assets pending the conclusion of confiscation proceedings in another State, and to allow or expand cooperation in the enforcement of foreign judgements and restraint orders and confiscation judgements, including through awareness-raising for judicial authorities;

19. *Further urges* States parties to the Convention to take a proactive approach to international cooperation in asset recovery by making full use of the mechanisms provided for in chapter V of the Convention, including initiating requests for assistance, making spontaneous disclosures of information on proceeds of offences to other States parties and considering making requests for notifications, in accordance with article 52, paragraph 2 (*b*), of the Convention, and, where appropriate, implementing measures to permit the recognition of non-conviction-based forfeiture judgements;

20. *Urges* States parties to the Convention to ensure that reliable beneficial ownership information on companies is accessible onshore to law enforcement agencies and other relevant authorities, including, as appropriate, financial intelligence units and tax administrations, thus facilitating the investigation process and execution of requests;

21. *Encourages* States parties to the Convention to cooperate in order to implement the measures necessary to enable them to obtain reliable information on beneficial ownership of companies, legal structures or other complex legal mechanisms, including trusts and holdings, used to commit crimes of corruption or to hide and transfer proceeds;

22. *Urges* Member States, where appropriate and consistent with their national legal systems, to provide each other with the widest possible assistance in investigations of and proceedings in civil and administrative matters relating to corruption;

23. *Encourages* Member States to prevent and combat all forms of corruption by increasing transparency, integrity, accountability and efficiency in the public and private sectors, and recognizes in this regard the need to prevent impunity by prosecuting corrupt officials and those who corrupt them and to cooperate in their extradition, in accordance with the obligations under the Convention;

24. *Stresses* the need for transparency in financial institutions, invites Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, in accordance with the Convention, and encourages the promotion of human and institutional capacity-building in that regard;

25. *Urges* States parties to the Convention to give timely consideration to mutual legal assistance requests relating to the identification, freezing, tracing and/or recovery of proceeds of corruption and to respond effectively to requests for exchange of information related to proceeds of crime, property, equipment or other instruments referred to in article 31 of the Convention situated in the territory of the requested State party, in accordance with the provisions of the Convention, including article 40;

26. *Urges* States, in accordance with the fundamental principles of their legal systems, to develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability;

27. *Invites* States parties to the Convention to recognize the importance of the involvement of young people and children as key actors in strengthening ethical behaviour, beginning with the identification and adoption of values, principles and actions that make it possible to build a fair and corruption-free society, in accordance with the Convention, and in this regard welcomes the adoption on 29 November 2013 of resolution 5/5 by the Conference of the States Parties to the Convention;[8]

28. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level, in accordance with the Convention;

29. *Reaffirms* the need for Member States to take measures to prevent the transfer abroad and laundering of assets derived from corruption, including to prevent the financial institutions in both countries of origin and countries of destination from being used to transfer or receive illicit funds, as well as to assist in their recovery and to return such assets to the requesting State, in accordance with the Convention;

30. *Calls upon* Member States to continue to work with all stakeholders in international and domestic financial markets to deny safe haven to assets acquired illicitly by individuals engaged in corruption, to deny entry and safe haven to corrupt officials and those who corrupt them and to enhance international collaboration in the investigation and prosecution of corruption offences, as well as in the recovery of proceeds of corruption;

31. *Urges* all Member States to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption, in accordance with the Convention;

32. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer and laundering of proceeds of corruption, in accordance with the principles of the Convention, and in this regard encourages close and enhanced coordination, cooperation and synergies between anti-corruption agencies, law enforcement agencies and financial intelligence units;

33. *Stresses* the need for further cooperation and coordination among the different international, regional and subregional organizations and initiatives mandated to prevent and combat corruption;

34. *Urges* States parties to the Convention to take appropriate measures, within their means and in accordance with fundamental principles of their national law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption;

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[8] See CAC/COSP/2013/18, sect. I.A.

35. *Recalls* article 63, paragraph 4 (*c*), of the Convention, in which it is stated, inter alia, that the Conference of the States Parties shall agree upon activities, procedures and methods of work to achieve the objectives set forth in paragraph 1 of that article, including by cooperating with relevant international and regional organizations and mechanisms and non-governmental organizations, and in this regard invites the Conference of the States Parties to the Convention to give due consideration to the implementation of the above-mentioned provision;

36. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, and also requests the Secretary-General to ensure that the Mechanism for the Review of Implementation of the Convention is adequately funded, consistent with the resolution adopted by the Conference of the States Parties at its fourth session;[9]

37. *Reiterates its call upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, notes in this context the role that the Global Compact can play in fighting corruption and promoting transparency, emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability, and in this regard welcomes the adoption on 29 November 2013 of resolution 5/6 by the Conference of the States Parties to the Convention;[8]

38. *Recognizes* the important role of business and public-private partnerships in promoting measures to fight corruption, especially measures that support the promotion of ethical business practices in interactions between government, business and other stakeholders;

39. *Encourages* Member States to implement and raise awareness regarding effective anti-corruption education programmes;

40. *Urges* the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of proceeds of corruption and to facilitate asset recovery and the return and disposal of such proceeds in accordance with the Convention, and to support national efforts in formulating strategies for mainstreaming and promoting anti-corruption efforts, transparency and integrity in both the public and the private sectors;

41. *Urges* States parties and signatories to the Convention to strengthen the capacity of legislators, law enforcement officials, judges and prosecutors to combat corruption and to deal with matters relating to asset recovery, including in the areas of mutual legal assistance, confiscation, criminal confiscation and, where appropriate, non-conviction-based forfeiture, in accordance with national law and the Convention, and civil proceedings, and to give the highest consideration to providing technical assistance in those fields, upon request;

42. *Encourages* Member States to exchange and share with each other, including through regional and international organizations, as appropriate, information on lessons learned and good practices, as well as information related to technical assistance activities and initiatives in order to strengthen international efforts to prevent and combat corruption;

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[9] CAC/COSP/2011/14, sect. I.A, resolution 4/1.

43. *Encourages* States parties to the Convention to provide regular updates and to expand, where appropriate, the information contained in the relevant databases of knowledge on asset recovery, such as Tools and Resources for Anti-Corruption Knowledge and Asset Recovery Watch, taking into consideration constraints on information-sharing based on confidentiality requirements;

44. *Encourages* the collection and systematization of good practices and tools in the cooperation for asset recovery, including the use and expansion of secure information-sharing tools with a view to enhancing early and spontaneous information exchange insofar as possible and in accordance with the Convention;

45. *Also encourages* the collection of substantial information duly researched and regularly published by recognized organizations and representatives of civil society;

46. *Encourages* States parties to the Convention to make widely available information on their legal frameworks and procedures with regard to asset recovery under chapter V of the Convention, in a practical guide or other format designed to facilitate use by other States, and to consider, where advisable, the publication of that information in other languages;

47. *Calls upon* requesting and requested States with practical experience in asset recovery to develop, as appropriate, in cooperation with interested States and providers of technical assistance, non-binding practical guidelines, such as a step-by-step guide, for efficient asset recovery, with a view to enhancing effective approaches to asset recovery based on the lessons learned from past cases, being mindful to seek to add value by building upon existing work in this area;

48. *Encourages* States parties to the Convention to share approaches and practical experience for the return of assets, consistent with article 57 of the Convention, for further dissemination through the Secretariat;

49. *Encourages* requesting States to ensure that adequate national investigative procedures have been initiated and substantiated for the purpose of presenting mutual legal assistance requests, and in this context encourages requested States to provide, when appropriate, information on legal frameworks and procedures to the requesting State;

50. *Encourages* States parties to the Convention to compile and provide information in accordance with article 52 of the Convention and to take other actions that help to establish the linkage between assets and offences under the Convention;

51. *Notes with appreciation* the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank and its cooperation with relevant partners, including the International Centre for Asset Recovery and INTERPOL, and encourages coordination among existing initiatives;

52. *Requests* the United Nations Office on Drugs and Crime to continue to provide, in collaboration with the World Bank through the Stolen Asset Recovery Initiative and in coordination with other relevant stakeholders, upon request, technical assistance for the implementation of chapter V of the Convention, including by providing direct expertise on policy or capacity-building through the Office's thematic programme on action against corruption, economic fraud and identity-related crime and, where appropriate, regional programmes, using its range of technical assistance tools;

53. *Notes* the work of other initiatives in the field of asset recovery, such as the Arab Forum on Asset Recovery, and welcomes their efforts to enhance cooperation between requesting and requested States;

54. *Welcomes* the work of the International Anti-Corruption Academy, a centre of excellence for education, training and academic research in the anti-corruption field, including in the area of asset recovery, and looks forward to its continued efforts in this regard to promote the goals and implementation of the Convention;

55. *Also welcomes* the holding of the fifth session of the Conference of States Parties to the Convention, in Panama City from 25 to 29 November 2013, and its outcomes and contributions to promoting the implementation of the Convention, and reiterates its appreciation for the offer by the Government of the Russian Federation to host the sixth session of the Conference of the States Parties in 2015;

56. *Requests* the Secretary-General, within existing reporting obligations, to include in his report to the General Assembly at its seventy-first session under the item on crime prevention and criminal justice an analytical section entitled "Preventing and combating corrupt practices and the transfer of proceeds of corruption, facilitating asset recovery and returning such assets to legitimate owners, in particular to countries of origin, in accordance with the United Nations Convention against Corruption", and also requests the Secretary-General to transmit to the Assembly the report of the Conference of the States Parties to the Convention on its sixth session.

73rd plenary meeting
18 December 2014

General Assembly

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Sixty-ninth session
Agenda item 106

Resolution adopted by the General Assembly on 18 December 2014

[*on the report of the Third Committee (A/69/490)*]

69/200. Special session of the General Assembly on the world drug problem to be held in 2016

The General Assembly

1. *Welcomes* Commission on Narcotic Drugs resolution 57/5 of 21 March 2014,[1] and notes with satisfaction the support expressed at the high-level review by the Commission of the progress made by Member States in the implementation of the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem[2] for the decision taken by the General Assembly in its resolution 67/193 of 20 December 2012 to convene a special session on the world drug problem early in 2016, in implementation of the recommendation contained in paragraph 40 of the Political Declaration;

2. *Urges* States that have not done so to consider ratifying or acceding to, and States parties to implement, as a matter of priority, all the provisions of the Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol,[3] the Convention on Psychotropic Substances of 1971[4] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;[5]

3. *Stresses* the importance of the special session on the world drug problem in 2016, as noted in Commission resolution 57/5, as a milestone on the way to 2019, which has been set as the target date in the Political Declaration for the review of implementation;

4. *Reaffirms* that, at its special session on the world drug problem in 2016, it will address substantive issues on the basis of the principle of common and shared responsibility and in full conformity with the purposes and principles of the Charter of the United Nations, international law and the Universal Declaration of Human Rights,[6] and in particular with respect for the sovereignty and territorial integrity of

[1] See *Official Records of the Economic and Social Council, 2014, Supplement No. 8* (E/2014/28), chap. I, sect. C.

[2] Ibid., *2009, Supplement No. 8* (E/2009/28), chap. I, sect. C.

[3] United Nations, *Treaty Series*, vol. 976, No. 14152.

[4] Ibid., vol. 1019, No. 14956.

[5] Ibid., vol. 1582, No. 27627.

[6] Resolution 217 A (III).

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States, the principle of non-intervention in the internal affairs of States, all human rights, fundamental freedoms, the inherent dignity of all individuals and the principles of equal rights and mutual respect among States;

5. *Decides* that the special session shall be convened following the fifty-ninth session of the Commission, scheduled to be held in March 2016;

6. *Also decides* that the special session on the world drug problem in 2016 shall have an inclusive preparatory process that includes extensive substantive consultations, allowing organs, entities and specialized agencies of the United Nations system, relevant international and regional organizations, civil society and other relevant stakeholders to fully contribute to the process, in accordance with the relevant rules of procedure and established practice;

7. *Further decides* that the Commission, as the central policymaking body within the United Nations system dealing with drug-related matters, shall lead this process by addressing all organizational and substantive matters in an open-ended manner, and in this regard invites the President of the General Assembly to support, guide and stay involved in the process;

8. *Notes with appreciation* the efforts made by the Commission to take all measures necessary to use its existing meetings and reporting entitlements in the most efficient manner to ensure adequate preparation for the special session in 2016, and requests the Commission to continue to take all measures necessary to prepare for the special session, as early as possible;

9. *Encourages* the participation of all Member States and the provision of assistance to the least developed countries in the preparatory work undertaken by the Commission in order to work actively towards the attainment of the objectives and goals of the special session, and invites Member States and other donors to provide extrabudgetary resources for this purpose;

10. *Recognizes* that the special session on the world drug problem to be held in 2016 constitutes an opportunity for a high-level and wide-ranging discussion among Member States leading up to the target date of 2019, within the framework of the three international drug control conventions and other relevant international instruments, in order to further implement the commitments and targets set out in the Political Declaration and Plan of Action;

11. *Also recognizes* the important role played by civil society, in particular non-governmental organizations, in the preparations for and during the fifty-second and the fifty-seventh sessions of the Commission, including their high-level segments, and recognizes further the need for their active involvement in the preparations for the special session, as well as the need for their effective, substantive and active involvement during the special session, in accordance with the rules of procedure and practice developed for other special sessions of the General Assembly, and requests the Chair of the Commission to consider undertaking consultations and other appropriate actions in this regard with relevant stakeholders;

12. *Invites* organs, entities and specialized agencies of the United Nations system, multilateral development banks, other relevant international organizations, including the International Narcotics Control Board, and regional organizations to contribute fully to the preparations for the special session in 2016, in particular by submitting to the Commission, through the Executive Director of the United Nations Office on Drugs and Crime, specific recommendations on the issues to be addressed at the special session;

13. *Requests* the Commission to report to the General Assembly at its seventieth session, through the Economic and Social Council, on the progress made in preparation for the special session in 2016;

14. *Reaffirms* its decision taken in resolution 67/193 to conduct the special session and its preparatory process from within existing regular budget resources;

15. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes set out in the present resolution, in accordance with the rules and procedures of the United Nations.

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